

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

| | | |
|------------------------|-----|------------------|
| IRMA GARZA |) (| |
| Plaintiff |) (| |
| |) (| |
| VS. |) (| CIVIL ACTION NO. |
| |) (| 7:18-cv-267 |
| THE CITY OF EDINBURG, |) (| |
| TEXAS, RICHARD MOLINA, |) (| |
| DAVID TORRES, JORGE |) (| |
| SALINAS AND GILBERT |) (| |
| ENRIQUEZ |) (| |
| Defendants |) (| |

ORAL AND VIDEOTAPED DEPOSITION OF
ROBIN ZAYAS
APRIL 23, 2019

ORAL AND VIDEOTAPED DEPOSITION OF ROBIN ZAYAS,
produced as a witness at the instance of the PLAINTIFF,
taken in the above styled and numbered cause on
April 23, 2019, between the hours of 1:42 p.m. and 2:57
p.m., reported stenographically by JOHN W. FELLOWS,
Certified Court Reporter No. 3335, in and for the State
of Texas, at the offices of FLORES & TORRES, LLP, 118
East Cano Street, Edinburg, Texas, pursuant to the
Federal Rules of Civil Procedure and any provisions
stated on the record or attached therein.

EXHIBIT 3

BRYANT & STINGLEY, INC.

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14:36 1 MR. AGUILAR: Objection, mischaracterizing
14:36 2 the evidence. Go ahead.

14:36 3 A. She couldn't apply. The position wasn't --

14:36 4 Q. Available yet?

14:36 5 A. Right.

14:36 6 MR. FLORES: No further questions. I'll
14:36 7 pass the witness.

14:36 8 EXAMINATION

14:36 9 BY MR. AGUILAR:

14:36 10 Q. Just ask something before we take a break, can
14:37 11 you tell me what y'all's relationship is?

14:37 12 A. He's my ex-brother-in-law.

14:37 13 Q. Okay. And that would be your ex-husband?

14:37 14 A. No. My sister -- my other sister, Julie.

14:37 15 Q. Okay.

14:37 16 A. This is her ex-husband. So we're -- we're
14:37 17 not --

14:37 18 Q. I'm going --

14:37 19 A. Not really hate each other in the end.

14:37 20 Q. I'm going to try to do the math here. So your
14:37 21 sister?

14:37 22 A. Julie.

14:37 23 Q. Sister Julie?

14:37 24 A. Used to be married.

14:37 25 Q. Was married to?

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14:37 1 A. David.

14:37 2 Q. David?

14:37 3 MR. FLORES: This guy.

14:37 4 Q. And they are no longer?

14:37 5 A. Right.

14:37 6 Q. And you guys live near each other or something?

14:37 7 A. We're in the same neighborhood. Well, now
14:37 8 yeah. Because I moved into Cary's house and Cary's
14:37 9 house is like two streets from Dave's.

14:37 10 Q. So you live with Cary, like, two streets away?

14:37 11 A. Like it's an L shape.

14:37 12 Q. Around the corner?

14:37 13 A. Yeah.

14:37 14 Q. Okay. And what's the deal? Your kids hang out
14:38 15 together or something?

14:38 16 A. Oh, I don't have kids.

14:38 17 Q. Oh.

14:38 18 A. No.

14:38 19 Q. Cary's --

14:38 20 A. His son is my nephew.

14:38 21 Q. Okay. So Flores son. What's son's name?

14:38 22 MR. FLORES: Jacob.

14:38 23 Q. Thank you. You could've answered that.

14:38 24 A. He's a minor. I'm not going to throw him in
14:38 25 the --

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14:38 1 Q. Oh. Jake -- Jacob is your nephew?

14:38 2 A. Correct.

14:38 3 Q. And you take care of him sometimes or something
14:38 4 or -- or is there any kind of --

14:38 5 A. We are best buds, yeah.

14:38 6 Q. Okay. You hang? So you watch him and stuff
14:38 7 like that?

14:38 8 A. Well, I mean, he's a high school kid. I don't
14:38 9 go watch him. We hang out.

14:38 10 Q. I was thinking -- but it's --

14:38 11 A. No. He's --

14:38 12 Q. How old is he? Like 16, 17?

14:38 13 MR. FLORES: 14.

14:38 14 A. Fourteen.

14:38 15 Q. Any other of his kids that you -- you hang with
14:39 16 or do you have any other kids? I don't know. So
14:39 17 that's -- so that's -- I'm just trying to figure out
14:39 18 what the relationship is.

14:39 19 Sometimes you still hang or see
14:39 20 Mr. Flores' son periodically, you live around the
14:39 21 corner, sometimes you might watch him if he needs
14:39 22 somebody to sit for him while David's out or something,
14:39 23 whatever might be, whatever comes up?

14:39 24 A. Not really. On days when he's with my sister
14:39 25 Julie --

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14:39 1 Q. Uh-huh.

14:39 2 A. -- because they have joint custody, let's say
14:39 3 he -- you know, I've gone to take him his backpack.
14:39 4 I've gone to pick him up to take him to the
14:39 5 orthodontist. If he's sick, I'll pick him up and hang
14:39 6 out with him for couple of hours, whatnot.

14:39 7 Q. That kind of stuff?

14:39 8 A. Yeah.

14:39 9 Q. Okay.

14:39 10 MR. AGUILAR: Could we go off the record a
14:39 11 moment?

14:39 12 MR. FLORES: Sure.

14:39 13 THE VIDEOGRAPHER: We're off the record.

14:39 14 (Recess)

14:46 15 THE VIDEOGRAPHER: We're back on the
14:46 16 record.

14:46 17 Q. I'd like to ask you just couple more things.
14:46 18 This Anonymous RGV, do you know who that is?

14:47 19 A. There is a lot of -- no. I don't know who it
14:47 20 is.

14:47 21 Q. Have you heard rumors?

14:47 22 A. It could be -- yeah. I mean, that
14:47 23 whole -- anything on there is --

14:47 24 Q. You know who -- who -- who -- who has authority
14:47 25 to post on Anonymous RGV? In other words --

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14:51 1 interest?

14:51 2 A. An interest, probably. I mean, who wouldn't --

14:52 3 Q. Did you know about that interest?

14:52 4 MR. AGUILAR: Objection, speculation. Go
14:52 5 ahead.

14:52 6 A. Yes. It was -- it was something that
14:52 7 she -- you know, was an option.

14:52 8 Q. Okay.

14:52 9 MR. FLORES: Pass the witness.

14:52 10 FURTHER EXAMINATION

14:52 11 BY MR. AGUILAR:

14:52 12 Q. Was it an option before the election, or was it
14:52 13 an option after the election?

14:52 14 A. After.

14:52 15 Q. Okay. Is that what you meant by it was an
14:52 16 option?

14:52 17 A. For her, for -- yes.

14:52 18 Q. Because when he was asking you questions right
14:52 19 now, he's trying to distinguish between what she was
14:52 20 looking at before the election as opposed to after the
14:52 21 election.

14:52 22 A. Correct. Before the election, I'm sure any
14:52 23 position with the city would've been an option, you
14:52 24 know.

14:52 25 Q. You're saying just in the sense of any position

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14:52 1 that might have been available, yes, she would've been
14:52 2 interested --

14:52 3 A. Correct.

14:52 4 Q. -- because she wanted to leave Channel 5?

14:52 5 A. Correct.

14:52 6 Q. But did she ever mention to you that she was
14:52 7 looking for this particular position?

14:52 8 A. Right. No.

14:52 9 Q. Okay. That's what I was asking. Before the
14:52 10 election, she never mentioned that she was looking for
14:52 11 this particular position, correct?

14:53 12 A. Correct.

14:53 13 Q. It wasn't until after that the position became
14:53 14 available that she mentioned to you that now she was
14:53 15 looking at that position; is that correct?

14:53 16 A. Right. And, if anything, these kind of posts
14:53 17 fueled her fire. Be like, Oh, well then maybe I will.

14:53 18 Q. Okay.

14:53 19 MR. FLORES: Okay. I'll wait --

14:53 20 MR. AGUILAR: I'll pass the witness.

14:53 21 MR. FLORES: Thank you. I thought you
14:53 22 were.

14:53 23 FURTHER EXAMINATION

14:53 24 BY MR. FLORES:

14:53 25 Q. Because I -- I -- I think you answer one way

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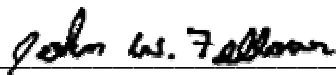
REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF
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I, JOHN W. FELLOWS, Certified Court Reporter, certify that the witness, ROBIN ZAYAS, was duly sworn by me, and that the transcript is a true and correct record of the testimony given by the witness on April 23, 2019; that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision;

Pursuant to Federal Rule 30(5)(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the _____ day of _____, 2019.



JOHN W. FELLOWS, Texas CSR 3335
Expiration Date: 04-30-21
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